

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SARATOGA BLACK LIVES MATTER, INC.;  
ALEXUS BROWN;  
MOLLY B. DUNN;  
GABRIELLE C. ELLIOT;  
ALEXIS A. FIGUEROA;  
MARCUS FILIEN;  
CHANDLER M. HICKENBOTTOM;  
SAMIRA K. SANGARE; and  
TIEMOGO J. SANGARE;

**Index No.: 1:24-cv-865  
(TJM/CFH)**

Plaintiffs,

-against-

**THE CITY OF SARATOGA SPRINGS;**  
**JOHN F. SAFFORD**, Mayor of the City of Saratoga Springs,  
sued in his individual and official capacity;  
**MEG KELLY**, former Mayor of the City of Saratoga Springs,  
sued in her individual capacity;  
**TIM COLL**, Commissioner of Public Safety of the City of  
Saratoga Springs, sued in his official capacity;  
**ROBIN DALTON**, former Commissioner of Public Safety of  
the City of Saratoga Springs, sued in her individual  
capacity;  
**JAMES MONTAGNINO**, former Commissioner of Public  
Safety of the City of Saratoga Springs, sued in his individual  
capacity;  
**TYLER McINTOSH**, Chief of Police of the City of Saratoga  
Springs, sued in his individual and official capacity;  
**SHANE L. CROOKS**, former Chief of Police of the City of  
Saratoga Springs, sued in his individual capacity;  
**JOHN T. CATONE**, former Assistant Chief of Police of the  
City of Saratoga Springs, sued in his individual  
capacity;  
**ROBERT JILLSON**, Lieutenant in the City of Saratoga  
Springs Police Department, sued in his individual and official  
capacity;  
**TIMOTHY SICKO**, Sergeant in the City of Saratoga Springs  
Police Department, sued in his individual and official capacity,  
**ANDREW STREIM**, Sergeant in the City of Saratoga  
Springs Police Department, sued in his individual and official  
capacity;

**PAUL VEITCH**, Sergeant in the City of Saratoga Police Department, sued in his individual and official capacity;  
**MEGAN DAVENPORT**, Investigator in the City of Saratoga Springs Police Department, sued in her individual and official capacity;  
**JOHN GUZEK**, Investigator in the City of Saratoga Springs Police Department, sued in his individual and official capacity;  
**MATTHEW MILLER**, Investigator in the City of Saratoga Springs Police Department, sued in his individual and official capacity;  
**STEVEN RESIDE**, Investigator in the City of Saratoga Springs Police Department, sued in his individual and official capacity;  
**GLENN A. BARRETT**, police officer in the City of Saratoga Springs Police Department, sued in his individual and official capacity;  
**WILLIAM COYNER**, police officer in the City of Saratoga Springs Police Department, sued in his individual and official capacity;  
**YEVGENIY KHUTORYANSKIY**, police officer in the City of Saratoga Springs Police Department, sued in his individual and official capacity; and  
“**JOHN DOES**” 1 -100, whose identities and the precise numbers of which are not known by plaintiffs, but who are intended to represent City of Saratoga Springs police officers or officials who either directly participated in violating the constitutional rights of one or more of the plaintiffs herein during the period of July 14, 2021 to the present, as described herein and/or who failed to intervene to stop or prevent the violation of the rights of one or more of the plaintiffs during this period, and who are sued in their individual and official capacities,

Defendants.

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## NOTICE OF MOTION TO DISMISS

ON BEHALF OF:

Defendant Tim Coll

DATE, TIME and  
LOCATION

Before the Honorable Thomas J. McAvoy, Senior  
District Judge, James T. Foley U.S. Courthouse, 445  
Broadway, Albany, NY on submission unless  
otherwise ordered by the Court

PAPERS SUBMITTED:

Memorandum of Law

RELIEF SOUGHT:

An Order pursuant to FRCP Rule 12(b)(6) dismissing plaintiffs' First Amended Complaint in its entirety together with such other and further relief as to the Court may deem just and proper

REPLY PAPERS:

Pursuant to Local Rule 7.1(b)(1), any party opposing this motion must file its opposition papers with the Court and serve them upon the other parties not less than seventeen days prior to the return date of the motion

Dated: May 5, 2025

BURKE, SCOLAMIERO & HURD, LLP

By: 

JUDITH B. AUMAND, ESQ.

Bar Roll No.: 515936

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TO: All Counsel via CM/ECF